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Mike Denson
Interim Chief of Police

November 18, 2015

To: Chief Albert Vasquez
UC Merced Police Department

From: Lt. Kevin McNiff
UCSF Police Department

Re: Executive Summary- OIS UC Merced

I have reviewed the following information to prepare this executive summary:

UC Merced Police Department CAD Records/ Recordings

Merced County Sheriff's Department Incident Report # 2015-0038655

Audiotaped recordings of Officers Lopez and [REDACTED] interviews, conducted by the Merced County Sheriff's Homicide Unit.

Administrative Interviews Detective Kelly and I conducted at the UC Merced Police Department.

UC Merced Department of Public Safety Policy Manual, Policy # 300 **Use Of Force** and all subsection contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 302 **Deadly Force Review** and all subsection contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 306 **Handcuffing and Restraints** and all subsections contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 310 **Officer Involved Shootings and Deaths** and all subsections contained within.

UC Merced Department of Public Safety Policy Manual, Policy # 312 **Firearms** and all subsections contained within.

Investigation Summary:

On November 4, 2015, Detective Larry Robertson and I responded to the UC Merced Campus to assist in an investigation of an officer involved shooting which resulted in the death of a male suspect, later identified as Faisal Mohammad, OM 18, DOB [REDACTED] Mohammad was enrolled at UC Merced as undergraduate student. Mohammad was determined to be the lone assailant in multiple stabbings on the campus prior to having been contacted by the responding UC Merced Police Officers Olaf Lopez #434 and [REDACTED]

While driving to the UC Merced campus I received a brief description of the events in a conference call involving Lieutenant Decoloude of UC Berkeley Police Department and Captain Eric Partika of UCSF Police Department. I was advised



Detectives Jack Kelly and John Caires of UC Berkeley Police Department were responding to provide additional investigative assistance.

Upon our arrival at UC Merced at approximately 1615 hours, I contacted Lieutenant Chou Her at the Incident Command Post. I was briefed on the current situation which had stabilized and we were introduced to the Merced County Sheriff Department personnel on scene. I learned the crime scene processing and the criminal investigation aspect of the officer involved shooting investigation would be conducted by the Merced County Sheriff's Department, and UC Merced Police Department would handle the overall criminal investigation. We were tasked to complete the officer involved shooting administrative investigation.

I learned both Officer Lopez and [REDACTED] were represented by a PORAC attorney, and had provided voluntary statements to Merced County Sheriff's Department Homicide Unit detectives prior to our arrival. Due to our travel time we were unable to listen to those interviews as they were being conducted. We were later provided with audio recordings of those interviews. I learned Suspect Mohammad was pronounced dead at the scene by paramedics and his remains were still contained within the crime scene. Merced County Sheriff's Department Crime Scene Investigators were processing the indoor and outdoor crime scenes where the multiple stabbings occurred (and the OIS).

At 1715 hours, Detective Robertson and I contacted Detective Sergeant Chuck Hale, Merced Sheriff's Department Homicide Unit. We attended a debrief he conducted with the sheriff's department personnel who responded to the incident. All of the sheriff's department personnel were instructed to complete detailed supplemental reports regarding their investigation/response. I read those reports under Merced County Sheriff's Department Case # 2015-0038655 and used them in the completion of this administrative investigation.

Detective Sergeant Hale advised it appeared Officer Lopez had fired two rounds from his service pistol which had struck Mohammad in the groin area and in the chest cavity. Several eyewitnesses had been interviewed by UC Merced police officers and Merced County Sheriff's Department deputies and those witnesses had identified Mohammad as the assailant in multiple stabbings. Merced County deputy sheriff/coroners had located a California Identification card belonging to Mohammad on the remains. The details of that information are contained in the Merced Sheriff's Department Incident Report.

Detectives Kelly and Caires arrived at UC Merced and we were then given a "walk through" of the crime scene by Lieutenant Her.

The following is a summary of what occurred:

On 11/4/2015, Officer Olaf Lopez #434 and [REDACTED] [REDACTED] were on duty at 0700 hours. Officer Lopez was on his final day of field training program, and in the shadow phase. At UC Merced, the shadow phase is described as the trainee in full uniform being "shadowed" by his [REDACTED] who was in plain clothes and who primarily observed the trainees actions.

Both Lopez and [REDACTED] were tending to a malfunctioning fire alarm at Kolligian Library when they received the dispatch radio notification of the stabbing.

Apparently the library was having fire alarm issues the previous day and had caused continuous interruptions throughout the business day.

Sometime around 0753 hours, at the Classroom and Business Building directly west of the library, an assault was occurring with a suspect armed with a knife. A student, Faisal Mohammad, had stabbed a victim in room [REDACTED] stabbed a contractor at the doorway of the room. The contractor who was working outside of the room in the hallway had opened the door of the room to see what was going on. After stabbing the contractor Faisal Mohammad ran out of the building.

Mohammad fled the building via the stairwell which lead out to Scholars Lane and immediately attacked two other victims, severely injuring both of them. UC Merced dispatch provided a partial description that was heard by both Officers Lopez and [REDACTED] UC Merced Police Department Dispatch described the suspect in the stabbings as wearing a green jacket and armed with a knife. The direction of flight was provided to the officers who began to respond from the library.

Both Officers Lopez and [REDACTED] observed Mohammad running west bound through the lane towards the bridge west of the library. Both officers gave chase on foot, quickly closing the gap. Mohammad became aware of the officers presence. Mohammad looked over his shoulder as Officers Lopez and [REDACTED] identified themselves as police officers. They both gave verbal commands to Mohammad directing him stop running, "drop the knife", "put it down on the ground and then you get on the ground" during their initial contact with him.

Mohammad then turned and faced the officers, and according to Officer Lopez, had a large knife in his right hand. Officer Lopez stated that the suspect raised the knife up above shoulder height in a threatening manner and refused orders to drop the knife.

There was a UC Merced [REDACTED] named [REDACTED] who was walking to [REDACTED] on the bridge and was the closest witness to the police officers and Mohammad. [REDACTED] provided a statement to the Merced County Sheriff's Department describing what [REDACTED] heard and saw. [REDACTED] later gave a videotaped interview with members of the Fresno Bee. In that interview [REDACTED] said [REDACTED] saw the officers chasing Mohammad on foot. [REDACTED] saw Mohammad, stop and then turn towards the officers. He had something in his hand and he raised his arm. [REDACTED] saw Officer Lopez draw his handgun and point it at Mohammad.

[REDACTED] indicated [REDACTED] heard the officers telling Mohammad to "put it down on the ground". [REDACTED] heard one officer say "do you want to get shot, do you want to get shot, put it down on the ground and you get down on the ground". [REDACTED] saw Mohammad take a step towards the officers and the officers backed up away from Mohammad. Mohammad then "lunged at the officer". [REDACTED] turned away and was attempting to flee when [REDACTED] heard two gunshots. [REDACTED] ran further down the bridge and turned around. [REDACTED] saw the two police officers standing over Mohammad's body which was lying on the bridge. [REDACTED] statement is

consistent and corroborates both Officers Lopez and [REDACTED] accounts in their interviews.

Officer Lopez stated that in fear for his life and the life of his partner, he pulled his department issued Sig Sauer .40 caliber firearm from his departmental approved holster and which was loaded with departmental issued ammunition. Officer Lopez fired one round at the suspect from a distance of about 10-15 feet. It appears that round struck Mohammad in the groin area. Officer Lopez assessed the situation and saw Mohammad partially crouch or slump down but was still advancing towards him and Officer [REDACTED] holding the large knife in his right hand. Officer Lopez fired a second round from his service pistol at Mohammad. That round was determined to have struck Mohammad in the left chest cavity. Mohammad stumbled forward towards the officers and fell face down on the concrete surface of the bridge.

Officer [REDACTED] was not armed with his service pistol or any other firearm during the incident. It was later determined he had left his service pistol in the trunk of the patrol car they had been assigned that day. Officer Lopez provided cover for Officer [REDACTED] as he handcuffed Mohammad. Once Mohammad was handcuffed behind his back, [REDACTED] rolled him over onto his back and checked him for the presence of a pulse and breathing. Officer Lopez immediately advised dispatch shots had been fired and Mohammad was in custody. He requested "Code Three Riggs" meaning the Merced County Ambulance and Paramedic Service. There was no other first aid provided by the officers to Mohammad. Paramedics from Riggs Ambulance service arrived on scene and pronounced Mohammad dead at the scene. Lt. Her arrived on scene checked the status of the officers, and responded to the Classroom Office Building where the stabbing victims were. He directed police and fire personnel and he became the incident commander.

As deputies from the Merced County Sheriff's Department arrived [REDACTED] told them there were victims of the stabbings east of their location and he then requested other ambulances to address the victims. Due to items located on Mohammad it triggered a multi-agency response including bomb disposal units, the FBI Joint Terrorism Task Force and fire department Hazmat teams.

After the "walk through" of the scene I assigned the UC detectives with tasks to assist in the administrative investigation.

On November 4, 2015 at approximately 1930 hours, I requested Detective Kelly call Christina Petricca of Mastagni Holstedt Law Firm. She represented both officers during the criminal investigative interviews with Merced County Sheriff's Department. We arranged to interview Officer Lopez and [REDACTED] regarding the administrative investigation. We agreed to meet at UC Merced Police Department on November 5, 2015 at 1400 hours.

On November 5, 2015 at 1400 hours, Detective Kelly and I conducted an administrative interview with Officer Lopez. Ms. Petricca was present. The interview was conducted in accordance with POBR and audio recorded. I read Officer Lopez the Lybarger Admonishment at the request of his attorney. He then provided a statement. Officer Lopez was asked about the use of deadly force. He said he had been trained during his FTO period about the department policy. He had qualified with his duty pistol shortly after his appointment to UC Merced Police Department and assignment to the FTO program. He indicated he had prior law enforcement experience consisting of eight years with the Merced County Sheriff's Department as a deputy Sheriff.

Officer Lopez indicated he had responded to the stabbing call and spotted the suspect fleeing on foot. He said the suspect presented a clear threat to himself and [REDACTED] as well as members of the public. Mohammad advanced at the officers and did not drop the knife. Officer Lopez said he feared for his life and fired one round which struck Mohammad. He stopped, assessed the situation and since Mohammad was still armed with the knife, advancing towards him, he was a threat to his life. Officer Lopez fired a second shot which struck Mohammad. Mohammad fell to the ground. He did not fire any further rounds. After Mohammad was handcuffed he requested an ambulance for him. Officer Lopez indicated he was aware of his backdrop and fired only to stop Mohammad from advancing and hurting him. The interview was concluded and Officer Lopez and his attorney said they were willing to meet again if questions arose during the course of this investigation.

Detective Kelly and I interviewed [REDACTED] at the UC Merced Police Department shortly after Officer Lopez's interview was over and he had time to consult with Ms. Petricca. The interview was audio recorded and conducted in accordance with POBR. He too was admonished per Lybarger. He provided a statement. He provided a statement consistent with Officer Lopez. He said Mohammad posed a clear danger to himself, Officer Lopez and members of the public. He said Officer Lopez discharged his firearm in defense of their lives. [REDACTED] agreed to meet again if administrative questions arose during this investigation.

On November 5, 2015, I assigned Detective John Caires to attend the post mortem examination of Mohammad which was conducted at the Merced County Coroner's Office, 455 East 13th Street, Merced. The results of the autopsy and examination of the clothing worn by Mohammad are consistent with the accounts provided by Officers Lopez and [REDACTED]. Mohammad sustained two gunshot wounds and a .40 caliber round was located in the body. I will order the autopsy protocol and forensic examination reports for the detailed report to follow.

It should be noted that civilian witness statements are consistent with the officer's statements and reported actions. Mohammad was a clear danger to the officers and public.

Preliminary Findings:

The Merced County Sheriff's Report # 2015-0038655 included witness statements and forensic evidence which supports Officer Lopez discharging his weapon at Mohammad in defense of his life. There is nothing to contradict the officers' statements regarding what they saw and did relating to this incident.

The UC Merced Police Department dispatch records and recordings are consistent with the officers' statements and actions.

At this point, I believe that Officer Lopez was in compliance with the UC Merced Department of Public Safety- Department Policies captioned above. Officer Lopez used deadly force to affect the arrest of a dangerous felon and protect his and others' lives. His actions appear to be exemplary.

Officer [REDACTED] provided a statement about why he did not have his service pistol or other safety equipment on his person during this event. That will be addressed in a separate administrative investigation.

In conclusion, I have requested other investigative materials to complete a thorough investigative report. I will forward a copy of that report to you as soon after it is complete.